

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Rule making related to dairy standards

The Agriculture and Land Stewardship Department hereby amends Chapter 68, “Dairy,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 192.102 and 194.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 192 and 194.

Purpose and Summary

The Food and Drug Administration, in cooperation with and with guidance from the National Conference of Interstate Milk Shippers (NCIMS), adopts new or updated language and clarifications to the Pasteurized Milk Ordinance (PMO) every two years. In 2015, NCIMS added the new Food Safety Modernization Act (FSMA) to the PMO, thus necessitating the Department’s adoption of the newer version to remain compliant with the Department’s 21 CFR 20.88 agreement with the Food and Drug Administration.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4838C**. A public hearing was held on January 22, 2020, at 9 a.m. in the Second Floor Conference Room, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. The Department received one comment during the comment period from the Iowa State Dairy Association (ISDA). ISDA supported the rule making, with no requested changes. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 7, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~21~~—**68.1(192,194)**, definition of “P.M.O.,” as follows:

“*P.M.O.*” means the Grade A Pasteurized Milk Ordinance, ~~2015~~ 2019 Revisions, from the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 2. Amend subrules 68.13(1) and 68.13(2) as follows:

68.13(1) *Certification.* A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,” ~~2015~~ 2019 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, and a copy is on file with the department.

68.13(2) *Documents.* The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

~~1-~~ a. “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,” ~~2015~~ 2019 Revision.

~~2-~~ b. “Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products,” as incorporated in the P.M.O., Appendix J.

~~3-~~ c. “Evaluation of Milk Laboratories,” ~~2015~~ 2019 Revision.

[Filed 2/7/20, effective 4/1/20]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/26/20.